ER 1604.02 US   PATENT
USSN: 09/874,450   Art Group: 2673

REMARKS

Claims 1-9, 11-15, 17-24, 27, 28 and 33-58 are pending in the present application.

This Amendment is in response to the Office Action mailed October 22, 2002. In the Office Action, the Examiner objected to the drawings, rejected claims 45-48, 50 and 54-58 under 35 U.S.C. § 112, first paragraph, and rejected claims 1-4, 9, 11-15, 17, 18, 20-24, 27, 28 and 33-58 under 35 U.S.C. § 103. Applicant has canceled claims 15, 38-44 and 49-58, amended claims 1, 4, 8, 11, 13, 14, 17, 22, 24, 27, 28, 36, 37 and 45, and added claims 59-62. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I.   DRAWINGS

In the Office Action, the drawings were objected to under CFR 1.83(a). The Examiner stated that all steps in all method claims must show in the drawings. Applicant respectfully disagrees, since CFR 1.83(s) only states that "the applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented".

In the present invention, the drawings are either already submitted or are not necessary for the understanding of the subject matter sought to be patented. Applicant has amended independent claims 1, 17, 27, 45, and dependent claims 13 and 22 in order for Examiner to better determine and understand the subject matter sought to be patented based on the previously submitted drawings.

Therefore, Applicant respectfully requests that the objection under CFR 1.83(a) be withdrawn.

9

ER 1604.02 US   PATENT
USSN: 09/874,450   Art Group: 2673

II.   REJECTION UNDER 35 U.S.C. § 112

The Examiner rejected claims 45-48, 50, and 54-58 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicant has amended claim 45 and cancelled claims 50 and 54-58. The rejection is now moot.

Applicant, therefore, respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 1-4, 9, 11-15, 17, 18, 20-24, 27, 28, and 33-58 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,990,803 issued to Park ("Park") in view of U.S. Patent No. 5,920,642 issued to Merjanian ("Merjanian"), and further in view of Applicant's Admitted Prior Art ("AAPA"). Applicant respectfully traverses the rejections for the following reasons.

Park discloses a multifunctional remote controller for controlling multiple appliances. The remote controller includes a menu selector for displaying predetermined menus on the screen, a controller for outputting data, and a data transmitter for transmitting data of the controller (Park, column 1, lines 26-32). Park also discloses a control method comprising the steps of displaying menus on the screen, selecting a desired menu and performing a mode operation

10

ER 1604.02 US   PATENT

USSN: 09/874,450   Art Group: 2673

corresponding to the selected menu (Park, column 1, lines 37-40). Park, however, does not disclose establishing a system state being a previous used state by the first user.

Merjanian discloses a remote control in combination with a set-top box (Merjanian, column 3, lines 27-28). The set-top box stores the preference setting for several operators to allow the preference setting to be adjusted to each operator (Merjanian, column 3, lines 47-51). Unlike the present invention, the preference setting in Merjanian, however, is not the state that was the previous used state by the first user the last time he/she had access to the remote control.

AAPP discloses that if a second user wants his or her own preferences in the user interface, he or she would have to start from the initial screen or system state. In contrast, the present invention allows the second user to be at the state he/she previous used, rather than having to start from the initial screen or state after he/she logged on.

Park, Merjanian, and AAPP, taken alone or in any combination, do not disclose, suggest, or render obvious establishing a system state being a previous used state by the first user. This aspect of the invention is supported in the specification in Fig. 4 and on page 5 (lines 18-20), page 6 (line 10-13), page 8 (lines 20-22), and page 13 (lines 7-11).

Therefore, Applicant believes that the claimed invention is distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests that the rejection under U.S.C. § 103(a) be withdrawn.

ER 1604.02 US   PATENT
USSN: 09/874,450   Art Group: 2673

CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: December 18, 2002

Caroline T. Do
Reg. No. 47,529

DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
P. O. BOX 19616
IRVINE, CA 92623
(949) 660-5000

P:\ABG\PPD\ER\1604\02\amend_03.doc

Attachment: Version with Markings to Show Changes Made.

12

ER 1604.02 US   PATENT
USSN: 09/874,450   Art Group: 2673

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1, 4, 8, 11, 13, 14, 17, 22, 24, 27, 28, 36, 37, and 45 have been amended as follows:

1.   (Three Times Amended) A method for accessing functionality of a consumer device comprising [the steps]:

accessing a second state of a controller, the second state being established using bio-metric input of a second user:

5   receiving bio-metric input of a first user into a bio-metric user-identification input component of the [a] controller;

establishing a system state of the controller [related to a first system state of the controller that was in effect after a previous use of the controller by the first user and before a use of the controller by a second user], the system state being a

10   previous used state by the first user or a state similar to the previous used state; and

providing access to functionality of the system state of a consumer device [by use of] using the controller by the first user[;

wherein said access is dependent upon the bio-metric input;

15   wherein said use of the controller by the second user caused the controller to have a second system state different than the first system state].

4. (Amended) The method of Claim 3, wherein the controller comprises a display area, and further comprising [the step of] displaying on the display area

20   data representing available functions to be executed.

13

ER 1604.02 US   PATENT
USSN: 09/874,450   Art Group: 2673

8. (Amended) The method of Claim 7, wherein the controller comprises a display area, and further comprising [the step of] displaying on the display area data representing available functions to be executed.

5   11. (Twice Amended) The method of Claim 1, wherein the controller comprises a display area, and further comprising [the step of] displaying on the display area data representing the system state.

         13. (Twice Amended) The method of Claim 1, wherein the <u>previous used</u>
10   <u>state of the first user comprises one of a screen last viewed, time of day or night</u> <u>the first user logged-on or logged-off, a content data displayed, a selection made,</u> <u>and a navigation history used</u> [system state is substantially identical to the first system state].

15   14. (Twice Amended) The method of Claim 1, wherein the system state is <u>established by incorporating algorithms in the controller upon re-logging-in of the</u> <u>first user</u> [identical to the first system state].

         17. (Three Times Amended) A controller comprising:
20   a bio-metric input component; and
         a graphical display,
         wherein the controller, upon log-on [thereto] by a first user, is programmed to enter a <u>previous used state by the first user or a state similar to the previous</u> <u>used state by the first user.</u>[system state related to a previous system state of the
25   controller that was in effect after a previous use of the controller by the first user and before a use of the controller by a second user, both uses occurring before said log-on;]

14

ER 1604.02 US   PATENT
USSN: 09/874,450   Art Group: 2673

wherein said log-on occurs in response to the first user inputting bio-metric input into the bio-metric input component.

22. (Twice Amended) The controller of Claim 17, wherein the system state
5 [is substantially identical to the previous] represents an initial system state if the first user is a first time user.

24. (Twice Amended) The controller of Claim 17, wherein the system state represents a default state if the first user is a guest user, the default state offering
10 limited access to functionality of the consumer device [prevents use of the controller for accessing pay-per-view programming].

27. (Twice Amended) A method of accessing functionality of a consumer device comprising [the steps]:
15   determining an identity of a first user in response to bio-metric input supplied by the first user to a controller;

    providing access to a first set of functionality of a consumer device by use of the controller, said access being dependent upon the identity of the first user; and

20   switching to a second system state from the first system state at a time calculated by an algorithm which incorporates at least one factor other than the passage of a certain amount of time.

28. (Amended) The method of Claim 27, wherein the second system state
25 is a default state preventing [prevents] use of the controller for accessing pay-per-view programming.

15

ER 1604.02 US   PATENT
USSN: 09/874,450   Art Group: 2673

       36. (Amended) The method of Claim 27 wherein the second system state is established in response to the bio-metric input supplied by a second user to the controller, the second system associated with a second set of functionality [different than the first set of functionality].

5

       37. (Amended) The method of Claim 27, wherein the second system state is a power down state [associated with an identity of a second user].

       45. (Amended) A method of controlling multi-user access to functionality of
10 a consumer device comprising [the steps]:
       defining a group user, said group user including a first user and a second user;
       establishing a group user state in response to a first bio-metric input and a second bio-metric input from said first and second users respectively; and
15   modifying the group user state in response to another input by said first user or second user.

       [determining an identity of a first user in response to a bio-metric input supplied by the first user to a controller;
       establishing a first system state of the controller, said first system state
20 being associated with said identity;
       providing access to a first set of functionality of a consumer device by use of the controller, said access being dependent upon the identity of the first user; and
       establishing a second system state of the controller in response to a second
25 bio-metric input supplied by the first user to the controller, wherein said second system state is associated with a group user identity;
       providing access to a second set of functionality of a consumer device by use of the controller, said access being dependent upon the group user identity;

16

ER 1604.02 US   PATENT
USSN: 09/874,450   Art Group: 2673

wherein said second bio-metric input is supplied by the first user prior to another bio-metric input being supplied to the controller by a different user;

wherein the first user is associated with said group user identity.]

17